ORIGINAL

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GRACE, COSGROVE & SCHIRM
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Telephone: (213) 533-5400
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Attorneys for Defendant
DETROIT DIESEL CORPORATION

FILED
08 JUN -6 PM 3:13
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

FAXED

GRACE, COSGROVE & SCHIRM
A PROFESSIONAL CORPORATION
444 S. FLOWER STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90071
(213) 533-5400

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EUGENE GENCHEV, Plaintiff, vs. DETROIT DIESEL CORPORATION; and Does 10, inclusive, Defendant.	Case No. '08 CV 1021 W NLS **NOTICE OF REMOVAL OF CIVIL ACTION** (Complaint filed: 4/18/08)

TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that defendant DETROIT DIESEL CORPORATION ("DDC") hereby removes to this Court the state court action described below.

1. On April 18, 2008, an action was commenced in the Superior Court of the State of California, for the County of San Diego–Central Branch, entitled EUGENE GENCHEV, Plaintiff, vs. DETROIT DIESEL CORPORATION; and DOES 1 through 10, Inclusive.

CP

2. Attached hereto are all state-court papers sent to the removing defendant at the time of removal: the Summons (Exhibit 1); Complaint for Damages (Exhibit 2); Notice of Case Assignment (Exhibit 3); and Stipulation to Alternative Dispute Resolution Process (Exhibit 4).

3. DDC was served with the complaint through C.T. Corporation, its registered agent for service of process, on May 9, 2008 (Exhibit 5).

4. The aforesaid action is a civil action in which this court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this court by this defendant pursuant to the provisions of 28 U.S.C. §1441(b) for the following reasons:

(a) Plaintiff is an individual who resides in the State of California.

(b) DDC is a corporation incorporated under the laws of the State of Delaware with its principal place of business in Detroit, Michigan. Hence, there is complete diversity of citizenship between all plaintiffs and all defendants.

(c) This is a civil action between citizens of different states and the matter in controversy exceeds $75,000, as addressed in detail below.

5. With regard to the amount in controversy, courts may consider factual statements in defendant's notice of removal in assessing removal jurisdiction. See Williams v. Best Buy Co., 269 F.3d 1316, 1319 (11th Cir. 2001). Furthermore, the rules of diversity permit aggregation of claims to satisfy the jurisdictional amount. See Stromberg Metalworks, Inc., v. Press Mechanical, Inc., 77 F.3d 928, 932 (7th Cir. 1996). Plaintiff asserts causes of action for breach of contract, violations of the California Commercial Code, breach of express and implied warranties and negligence relating to his purchase of a 2004 Freightliner, with a purchase price of $100,088.66, and a 2005 Freightliner, with a purchase price of $111,947. Furthermore, in the Joint Pretrial Conference order in the

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prior case, involving the same Freightliners, Genchev v. Freightliner, LLC, USDC Southern Case No. 05-CV-2071-W (JMA), plaintiff admitted the amount in controversy exceeds $75,000.

6. This Notice of Removal is timely under 28 U.S.C. §1446(b) because the Summons and Complaint in this action were first sent to the removing defendant on May 9, 2008. This Notice of Removal is filed within one year of the commencement of the action so that it is timely filed under 28 U.S.C. §1446(b).

WHEREFORE, this defendant hereby gives notice that the above-entitled action, now pending against it in the Superior Court of the State of California, for the County of San Diego, is removed to this court.

Dated: June 6, 2008

GRACE, COSGROVE & SCHIRM
A Professional Corporation

By: [signature]
~~Philip R. Cosgrove~~
Lisa Kralik Hansen

Attorneys for Defendant
DETROIT DIESEL CORPORATION

GRACE, COSGROVE & SCHIRM
A PROFESSIONAL CORPORATION
444 S. FLOWER STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90071
(213) 533-5400

EXHIBIT 1

5-5-
12:2'

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Clerk of the Superior Court

APR 22 2008

By: [signature] Deputy

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
DETROIT DIESEL CORPORATION; and DOES 1 through 10, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
EUGENE GENCHEV,

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court, San Diego, Central
330 West Broadway
San Diego, California 92101

CASE NUMBER: 37-2008-
(Número del Caso): 00082374-CU

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Douglas Jaffe, Esq.
402 West Broadway, 4th Floor, San Diego, CA 92101 (619) 595-4861

DATE: *(Fecha)* APR 22 2008 Clerk, by *(Secretario)* D. Michna, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☒ on behalf of *(specify)*: Detroit Diesel Corporation

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

EXHIBIT 2

DOUGLAS JAFFE, ESQ. Bar No. 170354
LAW OFFICES OF DOUGLAS JAFFE
402 West Broadway, 4th Floor
San Diego, California 92101
Telephone: (619) 595-4861
Facsimile: (619) 595-4862

Attorneys for Plaintiff

FILED
CIVIL BUSINESS OFFICE 14
CENTRAL DIVISION

08 APR 18 PM 3:57

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO - CENTRAL

EUGENE GENCHEV, Plaintiff, vs. DETROIT DIESEL CORPORATION; and DOES 1 through 10, inclusive, Defendants.	Case No.: 37-2008-00082374-CU COMPLAINT 1) BREACH OF CONTRACT 2) VIOLATION OF COMMERICAL CODE 3) BREACH OF WARRANTIES 4) NEGLIGENCE UNLIMITED CIVIL JURISDICTION

COMES NOW Plaintiff Eugene Genchev ("Genchev" or "Plaintiff"), by and through his undersigned attorneys, and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff is an individual residing in the county of San Diego, California.

2. On information and belief, defendant Detroit Diesel Corporation is a corporation with a registered agent of CT Corporation, 818 West 7th Street, Los Angeles, California 90017 ("Detroit Diesel").

3. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants Does 1 through 10 are unknown to Plaintiff who therefore sues said defendants by such fictitious names. Plaintiff will amend this complaint to show their true names and capacities when they have been ascertained. Plaintiff alleges that each of the fictitiously named defendants engaged in the actions and omissions hereinafter alleged and that each is fully liable for all the damages requested herein.

4. This Court has personal and subject matter jurisdiction over this action and venue is properly placed in this Court.

FIRST CAUSE OF ACTION
(Breach Of Contract)

5. Plaintiff incorporates by this reference the foregoing paragraphs.

6. On August 2, 2004, Plaintiff purchased a 2004 Freightliner CL120 vehicle (the "2004 Vehicle").

7. On or about March 3, 2005, Plaintiff purchased a 2005 Freightliner FLD from an authorized Detroit Diesel distributor (the "2005 Vehicle").

8. The 2004 Vehicle and 2005 Vehicles are collectively referred to herein as "the Vehicles".

9. The Vehicles are commonly known as the tractor portion of a tractor/trailer (an "18-wheeler") for trucking large loads over long distances.

10. Detroit Diesel expressly warranted the engines of the Vehicles.

11. The Vehicles have experienced nonconformities covered by the express warranties provided by Detroit Diesel.

12. Despite due demand, Detroit Diesel has failed and refused to conform the Vehicles to their warranties.

13. Plaintiff has fully complied with any agreement between the parties or his performance was excused.

14. Detroit Diesel has materially breached the express warranties regarding the Vehicles.

15. As a direct and proximate result of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial together with interest, costs and attorneys' fees.

SECOND CAUSE OF ACTION
(Violations of Commercial Code)

16. Plaintiff incorporates by this reference each of the previous paragraphs.

17. Detroit Diesel expressly and impliedly warranted the engines of the Vehicles pursuant to the Uniform Commercial Code, California Commercial Code sections 2001, et. seq.

18. Detroit Diesel has breached the express and implied warranties in violation of the Uniform Commercial Code, California Commercial Code sections 2001, et. seq.

19. As a direct and proximate result of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial, plus interest and costs.

THIRD CAUSE OF ACTION
(Breach of Warranties)

20. Plaintiff incorporates by this reference each of the previous paragraphs.

21. Detroit Diesel expressly warranted the engines of the Vehicles.

22. The implied warranties of fitness and merchantability were implied in the sale of the Vehicles to Plaintiff.

23. The Vehicles have failed to conform with the express and implied warranties.

24. As a direct and proximate result of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial, plus interest and costs.

FOURTH CAUSE OF ACTION
(Negligence)

25. Plaintiff incorporates by this reference the foregoing paragraphs.

26. Detroit Diesel had a duty to reasonably repair the Vehicles.

27. Detroit Diesel failed to reasonably repair the Vehicles.

28. Detroit Diesel breached its duties to Plaintiff.

29. As a direct and proximate result of the foregoing, Plaintiff has sustained damages in an amount to be determined at trial, plus interest and costs.

WHEREFORE, Plaintiff prays as follows:

a) For damages according to proof;

b) For interest according to proof;

c) For costs and reasonable attorneys' fees as provided in any agreement between the parties, any statute or otherwise; and

d) For such other and further relief as the Court deems just and proper.

Dated: April 15, 2008

LAW OFFICES OF DOUGLAS JAFFE

Douglas Jaffe

EXHIBIT 3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6150	
PLAINTIFF(S) / PETITIONER(S): Genchev	
DEFENDANT(S) / RESPONDENT(S): Detroit Diesel Corporation	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2008-00082374-CU

Judge: Vargas

Department: C- 63

COMPLAINT/PETITION FILED:

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2008-00082374-CU CASE TITLE: Genchev v. Detroit Diesel Corporation

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201 9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participant in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non- binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: $150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under $50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) **SETTLEMENT CONFERENCES:** The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) **OTHER VOLUNTARY ADR:** Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

EXHIBIT 4

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY STATE & ZIP CODE: San Diego CA 92101-3827	
BRANCH NAME: Central	
PLAINTIFF(S): Genchev	
DEFENDANT(S) Detroit Diesel Corporation	
SHORT TITLE: Genchev v. Detroit Diesel Corporation	
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)	CASE NUMBER: 37-2008-00082374-CU

Judge.

Department: C-

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process Selection of any of these options will not delay any case management time-lines.

- ☐ Court-Referred Mediation Program
- ☐ Private Neutral Evaluation
- ☐ Private Mini-Trial
- ☐ Private Summary Jury Trial
- ☐ Private Settlement Conference with Private Neutral
- ☐ Court-Ordered Nonbinding Arbitration
- ☐ Court-Ordered Binding Arbitration (Stipulated)
- ☐ Private Reference to General Referee
- ☐ Private Reference to Judge
- ☐ Private Binding Arbitration
- ☐ Other (specify): ______________________

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) ______________________

____

____

Alternate: (mediation & arbitration only) ______________________

Date: ______________________

Date: ______________________

____
Name of Plaintiff

____
Name of Defendant

____
Signature

____
Signature

____
Name of Plaintiff's Attorney

____
Name of Defendant's Attorney

____
Signature

____
Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3 1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated:

____
JUDGE OF THE SUPERIOR COURT

STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION

EXHIBIT 5

RECEIVED

MAY 14 2008

PRODUCT LITIGATION

7984 3883 7675

CT CORPORATION
A WoltersKluwer Company

Service of Process Transmittal
05/09/2008
CT Log Number 513410299

RECEIVED
MAY 13 2008
OFFICE OF GENERAL COUNSEL
DAIMLER TRUCKS NORTH AMERICA LLC

TO: Paul Hurd
Daimler Trucks North America LLC
4747 North Channel Avenue Mail Stop C2B-EXC
Portland OR 97217

RE: **Process Served in California**

FOR: Detroit Diesel Corporation (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Eugene Genchev Pltf. vs. Detroit Diesel Corporation et al. Dfts
DOCUMENT(S) SERVED:	Summons Complaint Notice(s)
COURT/AGENCY:	San Diego County, Superior Court CA Case # 37200800062374CU
NATURE OF ACTION:	Product Liability Litigation - Breach of Warranty - Defendant failed and refused to conform the vehicle to their warranties - 2005 Freightliner FLD
ON WHOM PROCESS WAS SERVED:	C T Corporation System Los Angeles CA
DATE AND HOUR OF SERVICE:	By Process Server on 05/09/2008 at 12:20
APPEARANCE OR ANSWER DUE:	Within 30 days after service
ATTORNEY(S) / SENDER(S):	Douglas Jaffe Law Offices of Douglas Jaffe 402 West Broadway 4th Floor San Diego, CA 92101 619-595-4861
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex 2 Day, 798438837675 Email Notification, Paul Hurd paulhurd@freightliner.com Email Notification Shawn Jacque Shawn jacque@detroitdiesel com
SIGNED:	C T Corporation System
PER:	Nancy Flores
ADDRESS:	818 West Seventh Street Los Angeles CA 90017
TELEPHONE:	213-337-4615

6/6/08

Existing Matter # 11570(?)
(Waters)

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only not contents

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A PROFESSIONAL CORPORATION
444 S. FLOWER STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90071
(213) 533-5400

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 444 South Flower Street, Suite 1100, Los Angeles, California 90071.

On June ~~5~~ 6, 2008, I served the within document(s) described as:

NOTICE OF REMOVAL OF CIVIL ACTION; CIVIL COVER SHEET

on the interested parties in this action as stated on the attached mailing list.

☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth on the attached mailing list. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile transmission from this Firm's sending facsimile machine, whose telephone number is (213) 533-5444, to each interested party at the facsimile machine telephone number(s) set forth on the attached mailing list. Said transmission(s) were completed on the aforesaid date at the time stated on the transmission record issued by this Firm's sending facsimile machine. Each such transmission was reported as complete and without error and a transmission report was properly issued by this Firm's sending facsimile machine for each interested party served. A true copy of each transmission report is attached to the office copy of this proof of service and will be provided upon request.

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June ~~5~~ 6, 2008, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

Liv Kirchoff	[signature]
(Type or print name)	(Signature)

SERVICE LIST

Douglas Jaffe, Esq.
Law Offices of Douglas Jaffe
402 West Broadway
Fourth Floor
San Diego, CA 92101

Attorneys for Plaintiff

(619) 595-4861
Fax (619) 595-4862

GRACE, COSGROVE & SCHIRM
A PROFESSIONAL CORPORATION
444 S. FLOWER STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90071
(213) 533-5400

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 151704 - TC

June 06, 2008
15:15:08

Civ Fil Non-Pris
USAO #.: 08CV1021
Judge..: THOMAS J WHELAN
Amount.: $350.00 CK
Check#.: BC69397

Total-> $350.00

FROM: EUGENE GENCHEV
VS.
DETROIT DEISEL CORP

JS 44
(Rev. 07/89)

FAXED

ORIGINAL

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED
08 JUN -6 PM 3:12
CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 1021 W NLS

I. (a) PLAINTIFFS
EUGENE GENCHEV

DEFENDANTS
DETROIT DIESEL CORPORATION

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Douglas Jaffee, Esq.
402 West Broadway
4th Floor
San Diego, CA 92101
619-595-4861

ATTORNEYS (IF KNOWN)
Philip R. Cosgrove
GRACE, COSGROVE & SCHIRM
444 South Flower Street, Suite 1100
Los Angeles, CA 90071
213-533-5400

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- [ ] 1 U.S. Government Plaintiff
- [ ] 2 U.S. Government Defendant
- [ ] 3 Federal Question (U.S. Government Not a Party)
- [X] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	[X] 1	[ ] 1	Incorporated or Principal Place of Business in This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated and Principal Place of Business in Another State	[ ] 5	[X] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Diversity action under 28 U.S.C. §1332, 1441 involving claims of breach of contract, breach of warranty, violations of California Commercial Code and negligence.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [X] 190 Other Contract
- [ ] 195 Contract Product Liability

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury

PERSONAL INJURY
- [ ] 362 Personal Injury - Medical Malpractice
- [ ] 365 Personal Injury - Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

CIVIL RIGHTS
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 444 Welfare
- [ ] 440 Other Civil Rights

PRISONER PETITIONS
- [ ] 510 Motion to Vacate Sentence

HABEAS CORPUS:
- [ ] 530 General
- [ ] 535 Death Penalty
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Conditions

FORFEITURE/PENALTY
- [ ] 610 Agriculture
- [ ] 620 Other Food & Drug
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 630 Liquor Laws
- [ ] 640 R.R. & Truck
- [ ] 650 Airline Regs.
- [ ] 660 Occupational Safety/Health
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Mgmt. Relations
- [ ] 730 Labor/Mgmt. Reporting & Disclosure Act
- [ ] 740 Railway Labor Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 840 Trademark

SOCIAL SECURITY
- [ ] 861 HIA (13958)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- [ ] 400 State Reappointment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce/ICC Rates/etc.
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 810 Selective Service
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 875 Customer Challenge 12 USC 3410
- [ ] 891 Agricultural Acts
- [ ] 892 Economic Stabilization Act
- [ ] 893 Environmental Matters
- [ ] 894 Energy Allocation Act
- [ ] 895 Freedom of Information Act
- [ ] 900 Appeal of Fee Determination Under Equal Access to Justice
- [ ] 950 Constitutionality of State Statutes
- [ ] 890 Other Statutory Actions

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- [ ] 1 Original Proceeding
- [X] 2 Removal from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from another district (specify)
- [ ] 6 Multidistrict Litigation
- [ ] 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

[ ] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ Over $75,000

CHECK YES only if demanded in complaint:
JURY DEMAND: [ ] YES [X] NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE Janis L. Sammartino   Docket Number 05-CV-2071-W (JMA)

DATE
June 6, 2008

SIGNATURE OF ATTORNEY OF RECORD
Lisa Kralik Hansen, Esq.

TAC #151704
6/6/08 $350

::ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

CR

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs - Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate's decision.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference relating pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

(rev. 07/89)

::ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)